

February 28, 2019

via E-mail: senrhoads@capitol.hawaii.gov

Senator Karl Rhoads
Chair, Senate Committee on Judiciary
State Capitol, Room 204
415 South Beretania Street
Honolulu, HI 96813

Re: Nomination to the Commission to Promote Uniform Legislation

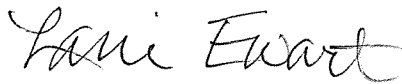
Dear Senator Rhoads:

Thank you for the opportunity to submit the attached written statement regarding my understanding of the role and responsibilities of being a member of the Commission to Promote Uniform Legislation and my qualifications to continue as a member for an additional term.

Please do not hesitate to contact me by phone (547-5702) or e-mail (lewart@goodsill.com) if you have any questions about my statement or if you require additional information.

I also look forward to hearing from your office regarding a meeting with you.

Aloha,

A handwritten signature in cursive script that reads "Lani Ewart".

Lani Ewart

WRITTEN STATEMENT OF LANI EWART FOR NOMINATION TO THE COMMISSION TO PROMOTE UNIFORM LEGISLATION

1. The role and jurisdiction of the Commission to Promote Uniform Legislation (the “Commission”).

The Commission is placed within the State Department of the Attorney General and advises the Attorney General and the Legislature on matters which promote legislation for Hawaii to be uniform with legislation in other states.

2. The role and responsibilities of a member of the Commission.

Members of the Commission are also members of the Uniform Law Commission, also known as the National Conference of Commissioners on Uniform State Laws (“ULC”), a 127-year old organization, made up of commissioners (all attorneys) from the 50 states, the District of Columbia, the Commonwealth of Puerto Rico and the United States Virgin Islands. As a member of the ULC, I am responsible for assisting in the drafting of uniform legislation in various areas of law to apply to citizens of the different states with the goal of improving the quality of state laws and interstate relationships.

Drafting uniform legislation is a multi-step process that usually spans several years. First, the subject matter is studied by a committee of ULC commissioners to determine if the issue would benefit from uniform treatment among the states. If it passes the scrutiny of the study committee, the “act” is worked on by a drafting committee of ULC commissioners over a number of weekend meetings for a minimum of two years. At the drafting committee meetings, interested members of the public are invited to attend and comment. After each year of drafting, the current draft of the act is presented for discussion at an annual meeting, where all commissioners of the ULC review the draft, section by section and sometimes line by line, question the members of the drafting committee and debate the positions that they have taken, and offer suggestions and proposals for revisions to the draft. When the draft is finalized, it is voted on by the commissioners of each state at an annual meeting, with each state having one vote. If a majority of the states approve the act, it is ready to be taken back to the states by the respective commissioners to be considered by the their legislatures.

Through this process, the ULC has drafted such laws as the Uniform Commercial Code, the Uniform Anatomical Gift Act, the Uniform Probate Code and the Uniform Partnership Act, which have been adopted in nearly every state.

Along with my fellow Commission members, I am also responsible for promoting the enactment of uniform laws. We do so by arranging for the introduction of bills at each legislative session relating to such uniform acts which we believe would be beneficial for Hawaii. We testify in support of uniform acts that we have had introduced or that have been introduced by others. We also obtain information regarding uniform acts that are under consideration by the Legislature and respond to questions regarding any uniform act from the legislators, their staff and members of the general public.

3. Why I wish to continue serving as a member of the Commission.

When I was first nominated to the Commission I was invited to apply. At that time, I knew very little about the Commission or the ULC, but having now served as a member of the Commission, I realize how important its work is to reduce the need for individuals and businesses to deal with different laws as they move and do business in different states. Through the Commission and the ULC, I think I am also helping to educate the public about legal issues and developments in the law and the benefits of interstate cooperation.

4. Qualifications to be a member of the Commission.

I have practiced law in Hawaii for over 40 years and believe that my legal skills are beneficial to the Commission. My work typically involves analyzing issues, bringing parties together to agree upon terms to successfully complete a transaction and preparing documents that are clear and understandable. Those are also the abilities that are necessary to work collaboratively with other ULC commissioners and interested parties in Hawaii and other states to craft uniform legislation. I am also interested in fields of law outside of my practice area of real estate and financing and can bring a different perspective when considering uniformity in the laws relating to matters beyond my usual practice.

5. Accomplishments as a member of the Commission.

While a member of the Commission, I have testified in support of and worked with others, including legislators and staff, for the enactment of a wide variety of uniform acts, including the Uniform Anatomical Gift Act, the Uniform Certificate of Title for Vessels Act, Revisions to the Articles of the Uniform Commercial Code, the Uniform Determination of Death Act, the Uniform Limited Liability Company Act, the Uniform Partition of Heirs Property Act, the Uniform Partnership Act, the Uniform Principal and Income Act, the Uniform Prudent Investor Act, and the Uniform Transfers to Minors Act. I also currently serve as the chair of the Commission.

In the ULC, I have been a member of study committees and drafting committees. I was also a Division Chair and oversaw the work of a number of such committees, and I have served on the Executive Committee of the ULC which administers and guides the organization.

During an additional term, I would continue to support and work toward the enactment of other uniform acts.

6. Issues handled by the Commission.

The Commission has done a good job in anticipating new developments in the law. For example, we supported the Uniform Real Property Electronic Recording Act for enactment prior to the time that the technology was fully available to file documents electronically in the Bureau of Conveyances; that Act provided enabling legislation to allow the electronic recording which now occurs. The Commission has also made it a priority to work with the Legislature to have Hawaii's laws timely amended or revised when necessary to remain viable and up to date and to continue to work well with the uniform laws in the other states. This was particularly important in the case of the amendments to Article 9 of the Uniform Commercial Code where all states only had a short period of time to revise the laws relating to security interests, and Hawaii was one of the first states to enact the required amendments.

The issues to be handled by the Commission in the future will likely include technology, since uniform legislation relating to self-driving cars, drones and electronic wills are currently being

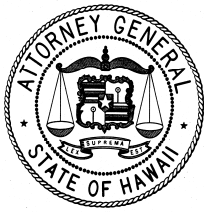
drafted. There may also be updated approaches to traditional family law matters, because the ULC is addressing economic rights of unmarried cohabitants and transfers of adopted children. In addition, the ULC is developing international law so that foreign entities may deal with U.S. citizens and businesses on a state level.

7. Possible conflicts of interests.

I do not recall any possible conflicts of interests arising during my service on the Commission and, at this time, I do not foresee any future conflicts.

8. Other information.

Due to the lengthy process of drafting uniform acts and the background knowledge relating to the ULC and the Commission which is necessary to support the acts in the Legislature and to provide information about uniform laws to the legal community and the public, I believe that my past experience on the Commission and with the ULC has been, and will be, valuable to the Commission in the future. I would appreciate the opportunity and privilege to continue to serve the State of Hawaii as a member of the Commission.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

ON THE FOLLOWING MEASURE:

G.M. NO. 545, SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE COMMISSION TO PROMOTE UNIFORM LEGISLATION, GUBERNATORIAL NOMINEE, LANI EWART, FOR A TERM TO EXPIRE 06-30-2021.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, April 2, 2019

TIME: 10:00 a.m.

LOCATION: State Capitol, Room

TESTIFIER(S): Clare E. Connors, Attorney General, or
Dana O. Viola, First Deputy Attorney General, or
Maurice S. Kato, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Attorney General supports the reappointment of Lani Ewart to the Commission to Promote Uniform Legislation ("CPUL") of the Department of the Attorney General.

The CPUL is advisory to the Attorney General and to the Legislature on matters pertaining to uniform legislation. Members of this state commission are Hawaii's representatives to the National Conference of Commissioners on Uniform State Laws, which is also referred to as the "Uniform Law Commission." Lani Ewart is an attorney at law who has steadfastly and with distinction served on the CPUL continuously since 1977. She currently serves as the Chairman of the CPUL and has regularly attended and actively participated in the meetings of the CPUL.

The National Conference of Commissioners on Uniform State Laws requires that each appointed commissioner be a lawyer licensed to practice law and that each commissioner personally attend and participate in the annual meeting of the National Conference. Commissioner Ewart has regularly attended and participated in the annual meetings, even when the amount of appropriated moneys available was insufficient to reimburse her fully for her travel expenses. In recognition of her dedicated service to the promotion of uniform laws, Commissioner Ewart was elected in 1998 to Life

Membership in the National Conference. To become a Life Member, a commissioner must serve the National Conference in the voluntary drafting and review of uniform laws for at least twenty years, must be recommended by the National Conference's Executive Committee, and must be elected by an affirmative vote of two-thirds of the commissioners present and voting at the session at which the recommendation is made. Lani Ewart was the first woman commissioner to be elected to Life Membership in the then 106-year history of the National Conference.

During her most recent term that began on July 1, 2013, she served as a member of the Standby Committee on Uniform Partition of Heirs Property Act and of the Joint Study Committee on Harmonization of the Law of Canada, the Caribbean Nations, and the United States Concerning Registration of Foreign Judgments and as a liaison member to the Uniform Law Foundation Trustees. She attended committee meetings as scheduled and each annual meeting of the National Conference held on the mainland during her present term of office. She has responded to questions by telephone and by email regarding various uniform acts and has reviewed articles relating to the activities of the National Conference and the CPUL.

In view of her demonstrated commitment to the promotion of uniform legislation and her continuing and significant participation in the activities of the National Conference and of the CPUL, the continued service of Lani Ewart as a member of the CPUL and of the National Conference will be greatly beneficial to the State of Hawaii and the National Conference. Consequently, the Attorney General respectfully requests that this Committee recommend the confirmation of the reappointment of Lani Ewart to the CPUL.

Peter J. Hamasaki
P.O. Box 2800
Honolulu, Hawaii 96813

March 29, 2019

Honorable Karl Rhoads, Chair
Honorable Glenn Wakai, Vice-Chair
Committee on Judiciary
The Senate
State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Re: GM 545 Submitting for consideration and confirmation to the
Commission to Promote Uniform Legislation, Gubernatorial Nominee,
LANI EWART, for a term to expire 06-30-2021

Dear Chair Rhoads, Vice-Chair Wakai and Committee Members:

I would like to express my **strong support** for the re-nomination of LANI EWART, GM No. 545, to continue to serve as a member of the State of Hawai'i Commission to Promote Uniform Legislation ("Commission"). Commissioner Ewart currently serves as the chair of the Commission.

During the past 14 years, I have served with Chair Ewart on the Commission and Chair Ewart has been instrumental in representing the State of Hawai'i as the Chair of the Hawai'i Commission. Chair Ewart has been actively involved at the national level, previously serving on the Executive Committee of the Uniform Law Commission, as well as a Division Chair, and as a member of numerous drafting committees. In addition, Chair Ewart has been actively engaged during consideration of uniform laws by the Hawai'i Legislature, and in providing leadership to the Hawai'i Commission.

For the foregoing reasons, I hope that you will favorably consider Chair Ewart's nomination for reappointment to the Commission. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Peter J. Hamasaki', with a stylized, flowing script.

Peter J. Hamasaki

March 29, 2019

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Hawaii State Capitol
Honolulu, Hawaii 96813

Re: GM 545
DATE: Tuesday, April 2, 2019
TIME: 10:00 a.m.
PLACE: Conference Room 016
State Capitol
415 South Beretania Street
Nomination of Lani Ewart to the Commission to Promote Uniform
Legislation

Dear Senator Rhoads:

This letter is written to enthusiastically support the nomination of **Lani Ewart** to the Commission to Promote Uniform Legislation. ("CPUL"). As a member of the CPUL, Lani acts as a representative of the State of Hawaii to the Uniform Law Commission, the national organization responsible for drafting many of the uniform laws enacted in Hawaii and other states throughout the country.

Lani has been a member of the CPUL since 1977, and has ably chaired the CPUL for some time. As is the case with all other Commissioners, she receives no compensation for her time. Yet she freely and enthusiastically gives many, many hours of her time in service to her position. She has served on the highest levels of the national organization, raising both the profile and the stature of the Hawaii delegation. She has sat on drafting committees, which do the "heavy lifting" of drafting proposed uniform laws for approval by the national organization and later by the states. She has acted as a liaison between the national organization and local interest groups, and provides testimony to our Legislature on uniform laws which are being considered for enactment.

Further, because the State of Hawaii has sometimes had limited or no funds in its budget to pay for travel expenses, Lani has in the past utilized her own resources to attend the annual conference of the national organization, representing the State of Hawaii. Please be assured that this conference is a working conference, and its attendees spend each day in plenary meetings or

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

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committee meetings, during which various uniform laws are considered, discussed, and worked on.

At the end of the conference, each State delegation is called upon to vote for or against the uniform or model acts then under consideration. Lani's presence at the conference ensured that our State was represented and its voice heard. The fact that she gave up both her valuable time and, sometimes, her personal resources, to represent our State at these important events is a tribute to both her dedication and her recognition of the importance of the work of the conference to our State.

Lani Ewart is a great asset both to the State of Hawaii and to the Commission to Promote Uniform Legislation, and I hope you will not hesitate to confirm her appointment to a new term.

Very truly yours,

KEVIN P.H. SUMIDA

**Ken H. Takayama
5567 Pia Street
Honolulu, Hawaii 96821**

Governor's Message No. 545

March 29, 2019

Confirmation of Lani Ewart to the
State Commission to Promote Uniform Legislation

Presented to the Senate Committee on Judiciary
Thirtieth State Legislature, Regular Session of 2019
Hearing date: Tuesday, April 2, 2019, at 10:00 a.m.
Conference Room 016

Chair Rhoads and members of the Committee:

My name is Ken Takayama, and I am a member of the state Commission to Promote Uniform Legislation (CPUL). Thank you very much for this opportunity to testify in strong support of the confirmation of Ms. Lani Ewart to the CPUL for a term to expire on June 30, 2021.

I have had the pleasure of serving with Lani on the state commission for the past twenty-four years. I can say without reservation or doubt that she has been and still is a hard working , conscientious, and dedicated member during her entire tenure. During her last several terms, she has served as the Chair of our state commission, and within the national organization of the Uniform Law Commission, has been a respected and well regarded commissioner for many years. Her intellectual acumen and personable demeanor make her highly effective in accomplishing the goals of both the state commission as well as the national Uniform Law Commission. She is everything that this state and her fellow commissioners would want in a commissioner.

Thank you very much for this opportunity to testify

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Ken H. Takayama
Commissioner
Commission to Promote Uniform Legislation

GM-545

Submitted on: 3/29/2019 5:11:31 PM

Testimony for JDC on 4/2/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Kent	Individual	Support	Yes

Comments:

Aloha,

Thank you for the opportunity to testify in strong support of the nomination of Lani Ewart to the Uniform Law Commission. I have had the privilege of serving with Lani on the Commission so I can say with first hand experience that she is hard working, super smart, and a tremendous asset to the Commission and the State. I urge you to confirm her nomination.

Elizabeth Kent

TESTIMONY OF ROBERT TOYOFUKU IN SUPPORT OF THE NOMINATION OF
LANI EWART TO THE COMMISSION TO PROMOTE UNIFORM LEGISLATION

April 2, 2019

To: Chairman Karl Rhoads and Members of the Senate Committee on Judiciary:

My name is Bob Toyofuku and I am a commissioner (life member) from Hawaii to the National Conference of Commissioners on Uniform State Laws. I am testifying in strong support of Lani Ewart for another term as a Hawaii Commissioner.

Lani is currently the chair of the Hawaii delegation and is an active commissioner at the national level. She has been a member of the National Conference since 1977, was the first woman life member of the National Conference and has served as a Division Chair in the Conference. She has also formed excellent and long-lasting relationships with other commissioners in her over 40 years as a commissioner on the national conference. She has clearly represented Hawaii well.

I also am a member of the Legislative Council of the Legislative Committee at the National Conference and can always depend upon Lani for meaningful input on legislative issues. I wholeheartedly support her nomination to the Commission and urge this committee and the Hawaii State Senate to confirm her.

Thank you for the opportunity to testify.